IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

THURSDAY, THE EIGHTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT
THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 11602 of 2004

Between:

Ch. Ramanjaneyulu, S/o. Sri Subba Rao,
APSHC R/o. Brindavan Nagar, Ongole, Prakasam District.
..... PETITIONER

AND

1 The Managing Director, A.P. State Housing Corporation Ltd.
Urdu Galli, Himayathnagar, Hyderabad.
2 Collector & Executive Director, A.P. State Housing Corporation,
Ongole, Prakasam District.
3 District Manager, A.P. State Housing Corporation, Ongole,
Prakasam District.
.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus, or any other appropriate writ, order or direction, declaring the proceeding dt. 3-7-2004 vide Procds.No. A1/860/2004 of the second respondent as illegal, arbitrary and without jurisdiction by set aside the same.

Counsel for the Petitioner:MR.C.NAGESWARA RAO

Counsel for the Respondents: MR.V.CH.NAIDU (SC FOR AP HOUSING CORP.)

The Court at the admission stage made the following ORDER:

The present writ petition is filed questioning the suspension order, pending enquiry issued by the second respondent-Collector and Executive Director of A.P.State Housing Corporation, Ongole, Prakasam District, dated 03-07-2004 alleging that the petitioner misutilised the Government funds, issued cement and released cash on his own accord.

The learned Counsel appearing for the petitioner vehemently contended that basing on the alleged complaint against the petitioner, preliminary enquiry was conducted by the third respondent-District Manager and no prima facie material came on record to show that the petitioner misutilised the Government funds and therefore, absolutely there is no material to place the petitioner under suspension, pending enquiry.

On the other hand, the learned Standing Counsel appearing for the respondents contended that basing on the material available on record, the second respondent passed the impugned proceedings and the second respondent is the competent authority to place an employee in the cadre of Assistant Engineer under suspension.

The complainants, who are said to have filed a complaint against the petitioner, gave statements before the third respondent-District Manager stating that the petitioner has not committed any irregularities or misutilisation of Government funds. The same has to be decided in the enquiry itself. Normally, this Court will not interfere with the suspension order, pending enquiry unless the jurisdiction of the person who issued the same is under challenge or has no jurisdiction at all as per law

governing the service conditions of the petitioner. The second respondent is the competent authority to place an employee under suspension. Hence, there are no grounds to interfere with the impugned proceedings at this stage. However, the first respondent is directed to complete the enquiry within a period of three months from the date of receipt of a copy of this order as per law.

The writ petition is accordingly disposed of. In the circumstances, no costs.

8th JULY, 2004.

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To

1 The Managing Director, A.P. State Housing Corporation Ltd.
Urdu Galli, Himayathnagar, Hyderabad.
2 The Collector & Executive Director, A.P. State Housing Corporation,
Ongole, Prakasam District.
3 The District Manager, A.P. State Housing Corporation, Ongole,
Prakasam District.
4 Two CD copies.